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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
DECEMBER 6, 2018 – REGULAR MEETING
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI**

Present: Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate, Rachel Terpstra
Absent: Ellen delaRosa-Pearn
Participant: Lukas Hill, Community Development Director

I. Call to Order

The meeting was called to order by Ketchum at 7:01 p.m.

II. Approval of Minutes

Terpstra moved to approve the minutes of the October 25, 2018 meeting as presented. TenCate seconded the motion, which passed unanimously.

III. Adopt Agenda

Terpstra moved to adopt the agenda with the addition of VI Accessory Building Discussion. TenCate seconded the motion, which passed unanimously.

IV. Public Comment

A time for public comment was provided. There were no comments.

V. Austin – Variance to Reduce Front Yard Setbacks – 19115 N Fruitport Rd

Jason Austin presented his variance request. The property has three front yards on the north, south and west sides. The west and south right of way areas are not improved. He plans to tear down the existing house, which has foundation problems and cannot be repaired, and build a new house. There are currently no plans drawn, as they do not know what building envelope will be allowed. Austin is asking for 10-foot setbacks on the north and south, and a 20-foot setback on the west.

Postmus asked about utilities. Austin stated that gas, electric and water are available. The house is on a septic system, which has been relocated to the south side of the house.

Mierle asked about the driveway off Minetta Ave. Austin stated that the driveway is accessed through property that the Ottawa County Road Commission owns. They will need to work with the Road Commission to acquire an easement.

Mierle asked if the existing garage will be kept. Austin stated that it is an attractive building and will be repaired and used as an accessory building. A garage will be included with the new house.

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Postmus reminded the applicant that there cannot be an accessory building without a primary building on the lot.

Hill stated that this is a unique lot. An interpretation was made that the Road Commission property should be treated like an easement, which makes the north property line a front yard. Because the property abuts Lot 92, the north side looks like a side yard. Idlewild Ave will probably not be built, which makes the south lot line look like a side yard. The west lot line seems like a front yard. The house will be pushed back from the existing house, but the owners would like to preserve lake views. The lot in question is not a true waterfront lot, because Gildner Park is between the lot and the water.

Hill stated that an email was received from Robert Lee, 19141 Minetta, stating that he is in favor of the variance request. In the email, Lee stated that he spoke to the other neighbors and they are also in favor of the request.

The public hearing was opened at 7:24pm. There were no comments. Motion by Terpstra, support by TenCate, to close the public hearing at 7:25pm. The motion passed unanimously.

Commissioners reviewed the criteria for a variance per Section 112 I of the Zoning Ordinance.

Motion by Terpstra, support by TenCate, to approve the Austin variance request at 19115 N Fruitport Rd to reduce the front yard setbacks as presented on the site plan dated 11/19/2018 as the application meets all criteria in Section 112 I of the Zoning Ordinance, with the following conditions:

- a. The applicant complies with all written representations to the Township, and all verbal representations as reflected in these minutes.
- b. The approved setbacks apply to all structures above grade, including decks.
- c. The variance granted expires in two years.
- d. Within one year of demolition of the existing house, the property will be in compliance with Section 306 B regarding the requirement for a primary building on a lot with an accessory building.

A roll call vote was taken. The motion was approved unanimously.

VI. Accessory Building Discussion

Commissioners discussed Section 306 B of the Zoning Ordinance.

VII. Adjournment

Terpstra moved to adjourn the meeting at 7:48pm with support from Ketchum. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals